



Loudoun County, Virginia
Department of Fire, Rescue, and Emergency Management

803 Sycolin Road SE, Suite 104
Leesburg, VA 20175
Phone 703-777-0333 Fax 703-771-5359



December 11, 2008

Mr. Paul Schilinski, Regional Director
Virginia Department of Labor and Industry
10515 Battleview Parkway
Manassas, VA 20109

Mr. Schilinski:

On December 4, 2008 I presented information to you in response to General Duty Citation #312228794, which was issued to the Loudoun County Department of Fire, Rescue and Emergency Management.

After extensive review of all elements of the citation, and based on the information I presented to you, I am formally requesting that the Virginia Department of Labor and Industry vacate this citation for the following reasons:

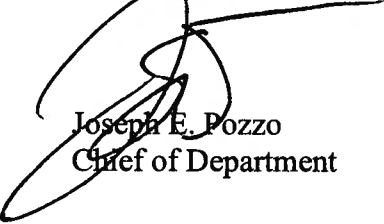
1. The Department of Fire, Rescue and Emergency Management, as well as the fire and rescue system of Loudoun County, has already developed staffing standards and implemented NFPA 1720, 2004 edition. This action was formally taken on December 6, 2005, and deployed on May 25, 2008. Mitigating factors such as two simultaneous e-911 structural fire calls that involved the same companies impacted the fire and rescue system's ability to fully meet this standard. It is important to note that this is a fractional standard that does not require 100% performance achievement. Further, neither NFPA 1720 nor NFPA 1500 defines the deployment and staffing of specific hose/handlines, nor do these standards define specific tactical tasks as outlined in the citation.
2. During the initial stages of the incident, the crews operated within the boundaries of NFPA 1500, section 8.5. Specifically, the crews first on the scene found an imminent life-threatening situation where immediate action could prevent the loss of life or serious injury, and conducted operational efforts with four personnel on the interior of the structure as permitted in NFPA 1500, section 8.1.17¹. This imminent life-threatening situation identified, and communicated via radio by the officer of Rescue Engine 6, negated NFPA section 8.5.7 and 8.5.12. This action, taken under NFPA 1500 8.5.17, was conducted in accordance with NFPA 1500 section 8.5.5 as crew members operating in the hazardous area were in communication with each other through audible, physical and radio communication means as noted in the Significant Injury, Investigative Report: 43238 Meadowood Court, September 2008, which was delivered to you during our meeting on December 4, 2008.

¹ Significant Injury, Investigative Report: 43238 Meadowood Court, September 2008, page 24. "Rescue Engine 6 to Tower 6. Nobody out here to meet us. Gonna have to do a search."

During our meeting on December 4, 2008 you advised me that the fifteen (15) day working period for this citation will end on December 19, 2008. Should a decision be made not to vacate this citation as requested herein, please consider this letter to be a written notice of contest to Citation # 312228794, relying on paragraphs 1 and 2 above.

The request to vacate this citation and, if not granted, the contest of the violations, is being made in good faith and not for the sole purpose of avoiding any responsibilities the County of Loudoun may have as an employer.

Sincerely,



Joseph E. Pozzo
Chief of Department

CC: Kirby Bowers, County Administrator
John Sandy, Assistant County Administrator
Douglas Rambo, Chair, Loudoun County Fire and Rescue Commission
Milissa Spring, Deputy County Attorney